

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Grant Post Office
Grant, Iowa

Docket No. A2011-44

PUBLIC REPRESENTATIVE REPLY COMMENTS
(October 20, 2011)

On August 11, 2011, the Commission received an appeal from Laurenda Mifflin objecting to the closing of the post office in Grant, Iowa. The appeal was postmarked August 5, 2011.¹ On August 12, 2011, the Commission issued Order No. 800 accepting the appeal, directing the Postal Service to file the administrative record by August 26, 2011, establishing a procedural schedule, and naming the undersigned Public Representative.² On August 19, 2011, the Commission received an appeal from Robert Molnar objecting to the closing of the Grant post office. On August 24, 2011, the Postal Service filed the Administrative Record.³ On August 25, 2011, the Commission received an appeal from Nancy Taylor objecting to the closing of the Grant post office. On September 2, 2011, the Commission received a participant statement from Laurenda Mifflin. On September 20, 2011, the Commission received participant statements from Nancy Taylor and Robert Molnar. On October 5, 2011, the Postal Service filed comments.⁴ The Postal Service will serve Grant via CBU.⁵

¹ Notice of Filing under 39 U.S.C. § 404(d), August 12, 2011.

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, August 12, 2011.

³ United States Postal Service Notice of Filing, August 24, 2011.

⁴ United States Postal Service Comments Regarding Appeal, October 5, 2011 (Postal Service Comments).

⁵ Final Determination, Administrative Record (AR) item 47 at 2, 9.

Petitioners make the following assertions:⁶

- Closing the Post Office and installing cluster boxes will create dangerous conditions for some residents and for the carrier, especially in winter.
- Some of the Postal Service's responses to customer concerns are wrong, inaccurate, misleading, or make no sense.
- If the post office closes, the Postal Service will not be providing a maximum degree of effective and regular service.
- A postmaster vacancy is not a legitimate reason to close a post office.
- The Postal Service will not provide home delivery for elderly persons with medical conditions.
- If the post office closes, the community will lose its identity.
- The post office is being closed because it operates at a loss.

Legal considerations. Under 39 U.S.C. section 404(d)(2)(A), in making a determination on whether to close a post office, the Postal Service must consider the following factors: the effect on the community; whether a maximum degree of effective and regular postal service will be provided; the effect on postal employees; and the economic savings to the Postal Service. Some of the issues raised by petitioners fall under the categories of effect on the community, maximum degree of effective and regular service, and economic savings to the Postal Service.

The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions of the Postal Service that it finds to be: (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (B) without observance of procedure required by law; or (C) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

⁶ Petition for Review Received from Laurenda Mifflin Regarding Grant, Iowa Post Office 50847, August 11, 2011; Petition for Review Received from Robert Molnar Regarding the Grant, Iowa Post Office 50847, August 19, 2011; Petition for Review Received from Nancy Taylor Regarding the Grant, Iowa Post Office 50847, August 25, 2011; Participant Statement Received from Laurenda Mifflin Regarding the Grant, Iowa Post Office 50847, September 2, 2011; Participant Statement Received from Robert Molnar, September 20, 2011; Participant Statement Received from Nancy Taylor, September 20, 2011.

Effect on the community. Petitioner Taylor's letter of appeal raises the issue of the effect of the closing of the Grant Post Office upon the Grant community. This issue was considered by the Postal Service, as reflected in the administrative record. The Postal Service asserts that a community's identity derives from the interest and vitality of its residents and their use of its name. The Postal Service states that it is addressing this concern through preservation of the community identity by continuing the use of the Grant name and ZIP Code in addresses. FD at 7.

Effective and regular service. Petitioners Mifflin and Molnar assert that cluster boxes create hazards for residents and the rural carrier. The carrier must leave his vehicle to serve cluster boxes, making him more vulnerable to robbery and injury from inclement weather. Residents will face a choice of going without postal service or risking injury when the weather is bad. A post office provides a place to warm up or cool off; cluster boxes do not. Petitioner Mifflin raised the issue of hazardous weather conditions in her questionnaire response. AR item 22cb. The Postal Service provided a canned response extolling the benefits of rural delivery and ignoring the issue of weather. AR item 22cd; see *also id.* item 22bm.

After the Proposal to close the Grant Post Office was posted, Petitioner Mifflin submitted an optional comment form in which she again raised the concern about subzero weather and requested a "personalized" response instead of the "generic" response she had received earlier. AR item 38 at 2c. The Postal Service responded more precisely to other concerns voiced by Ms. Mifflin but again ignored the weather issue. *Id.* at 2.

The Postal Service should have given consideration to the problems of the elderly and disabled accessing cluster boxes that are exposed to inclement weather. It did not. This lack of consideration warrants a remand.

Economic savings. Petitioner Mifflin questions the Postal Service's estimates of savings from replacing the Grant Post Office with cluster box delivery. She specifically cites two different cost savings estimates in the Final Determination.⁷ Petitioner Taylor also questions the accuracy of the savings in her Participant Statement. The Postal Service has

⁷ Participant Statement Received from Laurenda Mifflin Regarding the Grant, Iowa Post Office 50847, September 2, 2011, item 1.

adequately supported its estimate of savings. Postal Service Comments at 9-10. Petitioner Taylor also asserts that the Postal Service's reason for closing the Grant Post Office is that the office operates at a loss, which would violate section 101(b).⁸ The Postal Service rebutted this claim in the Final Determination. AR item 47 at 3.

Conclusion. The Commission should remand this case to the Postal Service so that it can consider the problems of elderly and disabled citizens' accessing cluster boxes in inclement weather.

Respectfully submitted,

Emmett Rand Costich
Public Representative

901 New York Avenue, NW, Suite 200
Washington, DC 20268-0001
202-789-6833, FAX: 201-789-6861
Email: emmett.costich@prc.gov

⁸ Petition for Review Received from Nancy Taylor Regarding the Grant, Iowa Post Office 50847, August 25, 2011.